

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE - SW/Corner Rolling *
 Road and Fudsbury Road * DEPUTY ZONING COMMISSIONER
 (2500 Rolling Road) *
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District *
 Case No. 97-224-XA
 Herbert V. Sauter and *
 Elinor M. Baim - Petitioners *

* * * * *

ORDER ON REMAND

WHEREAS, this matter came before me for consideration of Petitions for Special Exception and Variance relief for a Class B office building at the subject location. Specifically, the Petitioners sought relief for a freestanding identification sign of 40 sq.ft. total in lieu of the maximum permitted 15 sq.ft.; to permit 100% of the gross floor area of the proposed office building to be dedicated to medical offices in lieu of the maximum permitted 25%; and to permit 23 off-street parking spaces in lieu of the 32 spaces required. By Order issued February 4, 1997, I granted the relief requested, subject to certain terms and restrictions.

Subsequent to the issuance of my Order, an appeal of my decision was entered by the Office of People's Counsel for Baltimore County. A hearing before the Board of Appeals was scheduled for July 30, 1997; however, prior to the appeal hearing taking place, the Petitioners filed a Request for Remand to this Deputy Zoning Commissioner for a modification of my prior decision and further consideration of their plans. By Order dated August 12, 1997, the Baltimore County Board of Appeals granted the Petitioners' request and ordered that the case be remanded to this Deputy Zoning Commissioner for further consideration. A hearing on the remand was scheduled before me on February 26, 1998.

Appearing at that hearing on behalf of the Petitioners' request

ORDER RECEIVED
 Date 3/2/98
 By [Signature]

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were Herbert V. Sauter, co-owner of the property, James Patton, Professional Engineer who prepared the site plan in this case, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the Petitioners no longer wish to dedicate 100% of the proposed office building to medical office space. Apparently, after reviewing the market demands relative to the need for medical office space in this particular area of Baltimore County, the Petitioners have determined that only 25% of the proposed building will be dedicated to such use and thus, the previously granted variance to permit 100% occupancy of the proposed building by medical offices is no longer necessary.

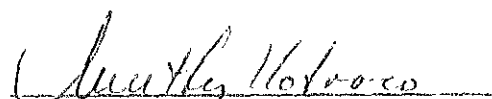
Given the Petitioners' request to have the previously granted variance rescinded, and the fact that the Office of People's Counsel does not object to the remand, I am persuaded to grant the request for modification of my prior Order.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of March, 1998 that the Order issued February 4, 1997 be and is hereby AMENDED to RESCIND the variance to permit 100% of the proposed Class B office building to be used for medical offices; and

IT IS FURTHER ORDERED that only 25% of the gross floor area of the proposed Class B Office Building shall be used for medical offices; and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued February 4, 1997 shall remain in full force and effect.

WMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 2, 1998

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: REQUEST FOR REMAND
PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Rolling Road and Tudsbury Road
(2500 Rolling Road)
1st Election District - 1st Councilmanic District
Herbert V. Sauter and Elinor M. Baim - Petitioners
Case No. 97-224-XA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Herbert V. Sauter & Ms. Elinor M. Baim
3505 Jean Drive, Baltimore, Md. 21244

Mr. James Patton
305 W. Chesapeake Avenue, Suite 206, Towson, Md. 21204

People's Counsel; Case Files

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on Recycled Paper

IN RE:

**PETITIONS FOR SPECIAL EXCEPTION
& VARIANCE**

**2500 Rolling Road, SW/Corner of Rolling
and Tudsbury Roads
1st Election District
1st Councilmanic District**

HERBERT V. SAUTER and ELINOR M. BAIM,

Appellees/Petitioners

BEFORE THE

COUNTY BOARD

OF APPEALS FOR

BALTIMORE COUNTY

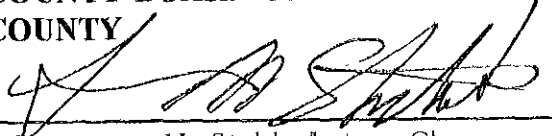
CASE NO.: 97-224-XA

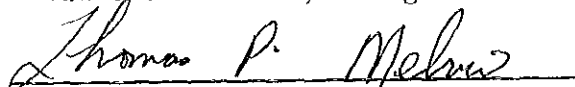
ORDER

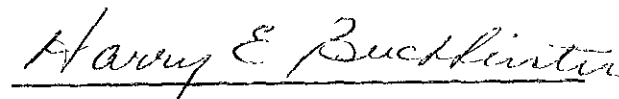
Upon consideration of the Request for Remand of the above-captioned case to the Deputy Zoning Commissioner for Baltimore County, filed by the Appellees and there being no opposition thereto, it is therefore ORDERED this 12th day of August, 1997.

1. The above-captioned case is hereby REMANDED to the Deputy Zoning Commissioner for Baltimore County for modification and further consideration of Appellees' plans.

**COUNTY BOARD OF APPEALS FOR BALTIMORE
COUNTY**


Lawrence M. Stahl, Acting Chairman


Thomas P. Melvin


Harry E. Buchheister, Jr.

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

August 12, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: ~~Case No. 97-224-XA~~
Herbert V. Sauter et al

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Redcliffe for
Kathleen C. Bianco, Administrator
County Board of Appeals

encl.

cc: Howard L. Alderman, Jr., Esquire
Herbert V. Sauter and Elinor M. Baim
James S. Patton
Pat Keller
Arnold Jablon, Director /PDM
Lawrence E. Schmidt, Zoning Commissioner
Virginia W. Barnhart, County Attorney

MICROFILMED

IN RE:	PETITIONS FOR SPECIAL EXCEPTION & VARIANCE 2500 Rolling Road, SW/Corner of Rolling and Tudsbury Roads 1st Election District 1st Councilmanic District	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY CASE NO.: 97-224-XA
	HERBERT V. SAUTER and ELINOR M. BAIM, Appellees/Petitioners	

REQUEST FOR REMAND

Herbert V. Sauter and Elinor M. Baim (collectively "Appellees"), by and through their undersigned legal counsel, hereby request that the County Board of Appeals for Baltimore County ("Board"), remand the above-referenced case to the Deputy Zoning Commissioner for Baltimore County for further consideration and modification, and in support thereof state:

1. Appellees filed Petitions for Special Exception and Variance applicable to the above-referenced property in accordance with the requirements of the Zoning Regulations of Baltimore County.
2. On February 4, 1997 the Deputy Zoning Commissioner for Baltimore County issued a decision in the above-captioned case, granting the zoning relief sought by Appellees (the "Decision").
3. On or about February 24, 1997, the Office of People's Counsel for Baltimore County noted an appeal of the Decision to this Board.
4. The Board has scheduled a hearing on the appeal on Wednesday, July 30, 1997.
5. Counsel for Appellees has discussed the issues on appeal with Peter Max

Zimmerman, People's Counsel for Baltimore County and with Appellees.

6. Upon consideration of the issues on appeal, Appellees have authorized their undersigned legal counsel to request that this Board remand this Case to the Zoning Commissioner for modification of relief sought.

7. People's Counsel for Baltimore County has indicated to the undersigned that it would not offer objection to Appellees' remand.

8. The requested remand is required in the manifest interest of justice and to provide the Appellees with the opportunity to modify its plans and zoning relief.

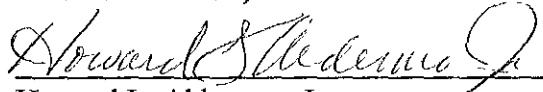
9. The Appellees are the only parties that may be harmed by the requested remand of the above-captioned case.

WHEREFORE, the Appellees respectfully request that this Board:

A. REMAND this Case to the Deputy Zoning Commissioner for modification and further consideration of Appellees' plans; and

B. Grant such further relief as the nature of the Appellees' case may require.

LEVIN & GANN, P.A.



Howard L. Alderman, Jr.

LEVIN & GANN, P.A.

305 West Chesapeake Avenue

Suite 113

Towson, MD 21204

(410) 321-0600


Attorneys for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 1997, a copy of the foregoing Request

for Remand was mailed via First-Class (postage prepaid) United States Mail to the following:

Peter M. Zimmerman, People's Counsel
400 Washington Avenue
Old Courthouse - Basement
Towson, MD 21204


Howard L. Alderman, Jr.

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
halderma@counsel.com

July 17, 1997

VIA HAND DELIVERY

Ms. Kathleen Bianco, Administrative Assistant
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
Towson, Maryland 21204

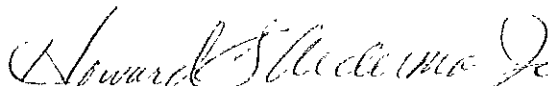
RE: 2500 Rolling Road
Sauter/Baim, Appellees
Request for Remand/Case No. 97-224-XA

Dear Ms. Bianco:

As we have discussed, I am enclosing herewith one original of a Request for Remand and three copies for filing in the above-referenced case. This matter is set for hearing before the Board on Wednesday, July 30, 1997. I have spoken with Peter Max Zimmerman, People's Counsel for Baltimore County who indicated that his office will not object to the remand, but that he would like a short hearing before the Board on the scheduled morning. The purpose of that short hearing would be for People's Counsel to note for the record the basis of the appeal noted.

Thank you for your attention to this matter. Should you or any member of the Board need additional information, please contact me at your earliest possible convenience.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosures
c (w/encl.): Mr. Herbert Sauter and Ms. Elinor Baim
Peter Max Zimmerman, People's Counsel
James Patton, PE

RECEIVED
COUNTY BOARD OF APPEALS
JUL 17 PM 3:20

MICROFILMED

IN RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE 2500 Rolling Road, SW/Corner of Rolling and Tudsbury Roads 1st Election District 1st Councilmanic District HERBERT V. SAUTER and ELINOR M. BAIM, Appellees/Petitioners	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY CASE NO.: 97-224-XA
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ORDER

Upon consideration of the Request for Remand of the above-captioned case to the Deputy Zoning Commissioner for Baltimore County, filed by the Appellees and there being no opposition thereto, it is therefore ORDERED this ____ day of July, 1997:

1. The above-captioned case is hereby REMANDED to the Deputy Zoning Commissioner for Baltimore County for modification and further consideration of Appellees' plans.

**COUNTY BOARD OF APPEALS FOR BALTIMORE
COUNTY**

MICROFILMED

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SW/Corner Rolling *
Road and Tudsbury Road * DEPUTY ZONING COMMISSIONER
(2500 Rolling Road) *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
* Case No. 97-224-XA
Herbert V. Sauter and *
Elinor M. Baim - Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 2500 Rolling Road, located in the vicinity of Dogwood Road near Woodlawn. The Petitions were filed by the owners of the property, Herbert V. Sauter and Elinor M. Baim, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek a special exception for a Class B Office Building at the subject location, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Sections 413.1 and 204.3.C to permit an additional free-standing sign of no more than 40 sq.ft. per face located adjacent to a residentially used frontage, in lieu of the maximum permitted 15 sq.ft. per face, and non-residential use frontage; from Section 204.3.B.2 to permit the proposed Class B Office Building to have 100% of the total adjusted gross floor area occupied by medical offices; and, from Section 409.6.A.2 to permit 23 off-street parking spaces in lieu of the 32 spaces required for a medical office or clinic use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Herbert and Betty J. Sauter, James S. Patton, Professional Engineer who prepared

ORDER RECORDED FOR FILING
2/19/99
Bjg

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the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.77 acres, more or less, zoned R.O., and is improved with a dwelling, accessory garage and shed. The Petitioners propose razing all of the existing structures and developing the property with a two-story Class B Office Building of 7,000 sq.ft. in accordance with Petitioner's Exhibit 1. Furthermore, the Petitioners wish to utilize 100% of the building for medical office space; however, they agreed not to have a medical clinic. Due to the property's zoning classification, a special exception is needed in order to develop the site with a Class B Office Building. The requested variances are necessary due to the property's location on a corner lot, adjacent to residentially zoned property.

An issue arose concerning the Petitioners' plans to provide access to the site directly off of Rolling Road. Specifically, the Zoning Plans Advisory Committee comments dated December 23, 1996 from Robert W. Bowling, Chief of the Development Plans Review Division of the Department of Permits and Development Management, indicated that there should be no direct access off of Rolling Road to this site. However, subsequent to the hearing, the Petitioners met with representatives of Mr. Bowling's office who agreed that access to this site from Rolling Road would be permitted, provided such access is limited to right-turn in and right-turn out. Therefore, as a condition of approval, the Petitioners shall revise the site plan to show the modified right-turn in, right-turn out access from Rolling Road. Furthermore, the entranceway at this access shall be posted accordingly.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

ORDER RECEIVED FOR FILING

Date

By

- Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of February, 1997 that the Petition for Special Exception for a Class B Office Building at the subject location, pursuant to Section 204.3.B.2.a of the Baltimore County Zoning Regulations

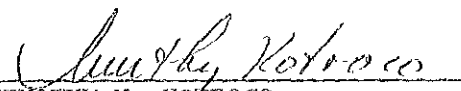
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(B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Sections 413.1 and 204.3.C to permit an additional freestanding sign of no more than 40 sq.ft. per face located adjacent to a residentially used frontage, in lieu of the maximum permitted 15 sq.ft. per face, and non-residential use frontage; from Section 204.3.B.2 to permit the proposed Class B Office Building to have 100% of the total adjusted gross floor area occupied by medical offices; and, from Section 409.6.A.2 to permit 23 off-street parking spaces in lieu of the 32 spaces required for a medical office or clinic use, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit a revised site plan showing the limited access to this site from Rolling Road as being right-turn in, right-turn out, only. Furthermore, the Petitioners shall post the entranceway at this access point with signs conveying this limited access.
- 3) When applying for a building permit, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/14/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 4, 1997

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION and VARIANCE
SW/Corner Rolling Road and Tudsbury Road
(2500 Rolling Road)
1st Election District - 1st Councilmanic District
Herbert V. Sauter and Elinor M. Baim - Petitioners
Case No. 97-224-XA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Herbert V. Sauter & Ms. Elinor M. Baim
3505 Jean Drive, Baltimore, Md. 21244

Mr. James S. Patton
305 W. Chesapeake Avenue, Suite 118, Towson, Md. 21204.

People's Counsel

File

MAR 11 1997

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
2500 Rolling Road, SWC Rolling Road and	*	ZONING COMMISSIONER
Tudsbury Road, 1st Election District,		
1st Councilmanic	*	OF BALTIMORE COUNTY
Herbert V. Sauter and Elinor M. Baim	*	CASE NO. 97-224-XA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1997, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2500 Rolling Road

which is presently zoned RO

NOTE: By 1996 Comprehensive Rezoning

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Class B Office Building as permitted by BCZR Section 204.3 B2a.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zip Code

Legal Owner(s)

Herbert V. Sauter

(Type or Print Name)

Signature

Elinor M. Baim

(Type or Print Name)

Signature

3505 Jean Drive

(410) 922-2931

Address

Phone No.

Baltimore, Maryland

21244

City

State

Zip Code

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

James S. Patton, P.E.

Name

305 W. Chesapeake Ave., #118 (410) 296-2140

Address

Phone No.

Towson, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Attorney for Petitioner:

Howard A. Alderman, Jr.

(Type or Print Name)

Signature

305 W. Chesapeake Ave., #113 (410) 321-0600

Address

Phone No.

Towson, Maryland 21204

City

State

Zip Code

ORDER RECEIVED FOR FILING

Date



224 MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2500 Rolling Road

which is presently zoned RO

NOTE: Effective Dec. 2, 1996

This Petition shall be filed with the Office of Zoning Administration & Development Management. Comprehensive Rezoning
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be discussed AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr.

(Type or Print Name)

Signature

(410) 321-0600

305 W. Chesapeake Ave., #113

Address

Towson, Maryland 21204

Phone No

City

State

Zipcode

Legal Owner(s):

Herbert V. Sauter

(Type or Print Name)

Signature

Elinor M. Bain

(Type or Print Name)

Signature

3505 Jean Drive

(410) 922-2931

Address

Phone No

Baltimore, Maryland

21244

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

James S. Patton, P.E.

Name

305 W. Chesapeake Ave., #118

(410) 296-2140

Address

Towson, Maryland 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Unavailable for Hearing

the following date _____ Next Two Months

ALL

OTHER

REVIEWED BY

DATE

MICROFILMED 224

REVISED
12/3/96



ORDER RECEIVED
2/14/99
Data

ATTACHMENT
2500 ROLLING ROAD
PETITION FOR A VARIANCE

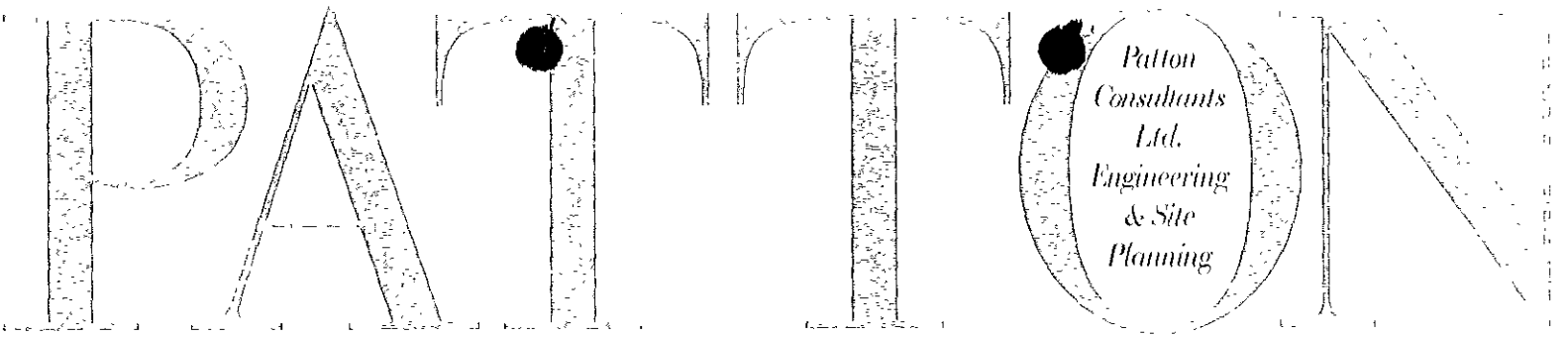
1. VARIANCE FROM SECTION 413.1 AND SECTION 204.3C TO PERMIT AN ADDITIONAL FREE-STANDING SIGN WITH A SURFACE AREA OF NO MORE THAN 40 SQUARE FEET PER FACE IN LIEU OF AN AREA NO MORE THAN 15 SQUARE FEET PER SIDE AND ADJACENT TO A RESIDENTIALLY USED FRONTAGE IN LIEU OF THE REQUIREMENT THAT THE FRONTAGE BE NON-RESIDENTIALLY USED.
2. VARIANCE FROM SECTION 204.3 B.2. TO PERMIT A CLASS "B" OFFICE BUILDING TO HAVE 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OCCUPIED BY MEDICAL OFFICES.
3. VARIANCE FROM SECTION 409.6.A.2 TO PERMIT 23 OFF-STREET PARKING SPACES IN LIEU OF THE 32 SPACES REQUIRED FOR MEDICAL OFFICE OR CLINIC.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED



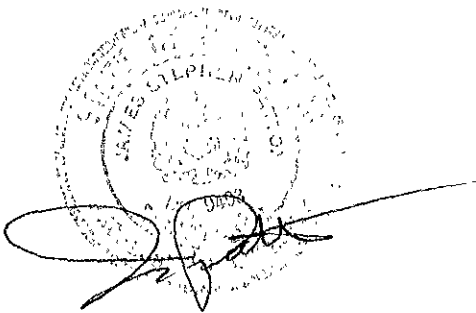
ZONING DESCRIPTION

Herbert V. Sauter/Elinor M. Baim Property

Beginning at a point on the west right-of-way line of Rolling Road which is 70 feet wide at a distance of 44.91 feet south of the centerline of Tudsbury Road which is 70 feet wide. Thence the following courses and distance.

1. S 03° 00' 00" W - 185.04'
2. N 62° 14' 45" W - 170.78'
3. N 26° 26' 00" E - 151.66'
A curve to the left with radius of 670.0'
Arc length - 91.34'
4. S 41° 27' 59" E - 14.01'

Containing 0.53 acres, also known as 2500 Rolling Road and located in the 2nd Election District (1st Councilmanic District).



MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-224-XA
(Item 224)
2500 Rolling Road
SWC Rolling Road and
Tudsbury Road
1st Election District
1st Councilmanic
Legal Owner(s):
Herbert V. Sauter and Elinor
M. Balm

Special Exception: for a Class B Office Building. **Variance:** to permit an additional free-standing sign with a surface area of no more than 40 sq. ft. per face in lieu of an area no more than 15 sq. ft. per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used; to permit a Class "B" Office Building to have 100% of the total adjusted gross floor area occupied by medical offices as an alternative to no more than 25% of the total adjusted gross floor area being occupied by medical offices; to permit the number of required off-street parking spaces for medical office or clinic to be 4.0 per 1,000 sq. ft. of gross floor area in lieu of the required 4.275 per 1,000 sq. ft. of gross floor area after allowing for the transit adjustments to general requirements as provided by Section 409.6.B which applies to this site.

Hearing: Monday, December 23, 1996 at 9.00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/325 Nov. 28 C102895

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov 29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1996.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-224-XA
(Item 224)
2500 Rolling Road
SWG Rolling Road and
Tudbury Road
1st Election District
1st Councilmanic
Legal Owner(s):
Herbert V. Sauter and
Elinor M. Balm

Special Exception: for a Class B Office Building. Variance: to permit an additional free-standing sign 40 square feet per face in lieu of 15 square feet per side adjacent to a residentially used frontage; to permit a Class B Office Building to have 100% medical offices; and to permit 23 off-street parking spaces in lieu of 32 spaces.

Hearing: Wednesday, January 8, 1997 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3363.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

12/182 Dec. 19 G107634

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/19, 1996.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINAN. REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 11 Nov 90 ACCOUNT 2-0001 6130

12.24 CAN

AMOUNT \$ 550.00

RECEIVED FROM: Shirley A. Brown

FOR: 282 1000 Roll of Paper

MICROFILMED

11/11/90

11/11/90

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

RE: Case No.: 97-224-XA

Petitioner/Developer: _____

HERBERT SAUTER

Date of Hearing/Closing: 1-8-97

Re Posted

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 2500 Rolling Road

Baltimore, Maryland 21244

The sign(s) were posted on _____

12-21-96
(Month, Day, Year)

Sincerely,

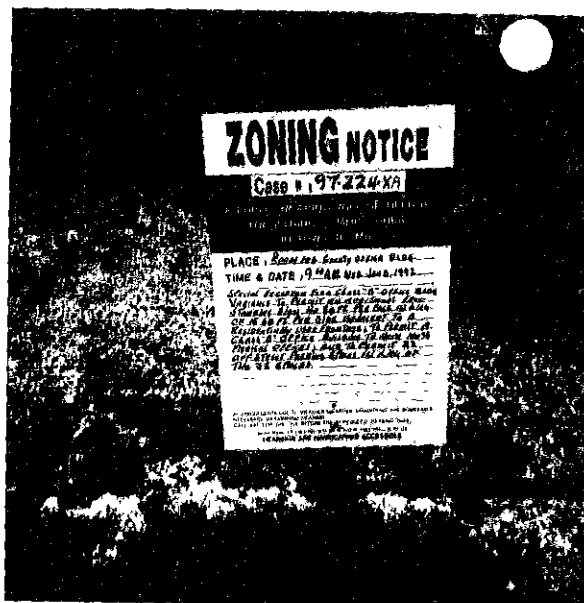
Thomas P. Kyles, Jr.
(Signature of Sign Poster and Date)

Thomas P. Kyles, Jr.
(Printed Name)

325 Nicholson Rd
(Address)

Baltimore, MD 21222
(City, State, Zip Code)

(410) 681-8403
(Telephone Number)



97-224-XA

CERTIFICATE OF POSTING

RE: Case No.: 97-224-XA

Petitioner/Developer: _____

SAUTER, BAIM

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at S/W CORNER

ROLLING & TUDSBURY

The sign(s) were posted on 5/9/97
(Month, Day, Year)

Sincerely,

Gary J. Ford 5/12

(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 224

Petitioner: Sauter & BAIM

Location: 2500 Rolling Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herbert Sauter

ADDRESS: 3505 JEAN DR
Baltimore 21244

PHONE NUMBER: 410-922-2931

AJ:ggs

(Revised 09/24/96)

MICROFILMED



Exhibit B

OLD - DOES NOT
MATCH REVISIONS
NEW FORMS SENT
PER WCR

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-224-SPXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Exception to allow a class "B"
office building. VARIANCES to allow

PERMIT AN
ADDITIONAL FREE-STANDING SIGN WITH A SURFACE AREA OF NO MORE
THAN 40 SQUARE FEET PER FACE IN LIEU OF AN AREA NO MORE THAN
15 SQUARE FEET PER SIDE AND ADJACENT TO A RESIDENTIALLY USED
FRONTAGE IN LIEU OF THE REQUIREMENT THAT THE FRONTAGE BE
NON-RESIDENTIALLY USED.

- Continued on next sign -

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-224-SPXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____
REQUEST: _____
VARIANCE FROM ~~SECTION 409.6 B.2~~ TO PERMIT A CLASS "B" OFFICE BUILDING TO HAVE 100% OF THE TOTAL ADJUSTED GROSS FLOOR AREA OCCUPIED BY MEDICAL OFFICES AS AN ALTERNATIVE TO NO MORE THAN 25% OF THE TOTAL ADJUSTED GROSS FLOOR AREA BEING OCCUPIED BY MEDICAL OFFICES.

VARIANCE FROM ~~SECTION 409.6 B.2~~ TO PERMIT THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES FOR MEDICAL OFFICE OR CLINIC TO BE 4.0 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA IN LIEU OF THE REQUIRED 4.275 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA AFTER ALLOWING FOR THE TRANSIT ADJUSTMENTS TO GENERAL REQUIREMENTS AS PROVIDED BY SECTION 409.6 B. WHICH APPLIES TO THIS SITE.

CONTINUE ON additional sign if needed

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
November 28, 1996 Issue - Jeffersonian

Please forward billing to:

Herbert V. Sauter
3505 Jean Drive
Baltimore, MD 21244
922-2931

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-224-XA (Item 224)
2500 Rolling Road
SWC Rolling Road and Tudsbury Road
1st Election District - 1st Councilmanic
Legal Owner(s): Herbert V. Sauter and Elinor M. Baim

Special Exception for a Class B Office Building.

Variance to permit an additional free-standing sign with a surface area of no more than 40 sq. ft. per face in lieu of the an area no more than 15 sq. ft. per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used; to permit a Class "B" Office Building to have 100% of the total adjusted gross floor area occupied by medical offices as an alternative to no more than 25% of the total adjusted gross floor area being occupied by medical offices; to permit the number of required off-street parking spaces for medical office or clinic to be 4.0 per 1,000 sq. ft. of gross floor area in lieu of the required 4.275 per 1,000 sq. ft. of gross floor area after allowing for the transit adjustments to general requirements as provided by Section 409.6.B. which applies to this site.

HEARING: MONDAY, DECEMBER 23, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 22, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-224-XA (Item 224)
2500 Rolling Road
SWC Rolling Road and Tudsbury Road
1st Election District - 1st Councilmanic
Legal Owner(s): Herbert V. Sauter and Elinor M. Baim

Special Exception for a Class B Office Building.

Variance to permit an additional free-standing sign with a surface area of no more than 40 sq. ft. per face in lieu of the an area no more than 15 sq. ft. per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used; to permit a Class "B" Office Building to have 100% of the total adjusted gross floor area occupied by medical offices as an alternative to no more than 25% of the total adjusted gross floor area being occupied by medical offices; to permit the number of required off-street parking spaces for medical office or clinic to be 4.0 per 1,000 sq. ft. of gross floor area in lieu of the required 4.275 per 1,000 sq. ft. of gross floor area after allowing for the transit adjustments to general requirements as provided by Section 409.6.B. which applies to this site.

HEARING: MONDAY, DECEMBER 23, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Herbert V. Sauter and Elinor M. Baim
James S. Patton, P.E.
Howard L. Alderman, Jr., Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 8, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



NOTICE OF HEARING

**INCORRECT -
MUST BE READ.**

**PER
WCR**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-224-XA (Item 224)

2500 Rolling Road

SWC Rolling Road and Tudsbury Road

1st Election District - 1st Councilmanic

Legal Owner(s): Herbert V. Sauter and Elinor M. Baim

Special Exception for a Class B Office Building.

Variance to permit an additional free-standing sign with a surface area of no more than 40 sq. ft. per face in lieu of the an area no more than 15 sq. ft. per side and adjacent to a residentially used frontage in lieu of the requirement that the frontage be non-residentially used; to permit a Class "B" Office Building to have 100% of the total adjusted gross floor area occupied by medical offices as an alternative to no more than 25% of the total adjusted gross floor area being occupied by medical offices; to permit the number of required off-street parking spaces for medical office or clinic to be 4.0 per 1,000 sq. ft. of gross floor area in lieu of the required 4.275 per 1,000 sq. ft. of gross floor area after allowing for the transit adjustments to general requirements as provided by Section 409.6.B. which applies to this site.

HEARING: MONDAY, DECEMBER 23, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

TO: PUTUMENT PUBLISHING COMPANY
December 18, 1996 Issue - Jeffersonian

Please forward billing to:

Herbert V. Sauter
3505 Jean Drive
Baltimore, MD 21244
922-2931

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-224-XA (Item 224)
2500 Rolling Road
SWC Rolling Road and Tudsbury Road
1st Election District - 1st Councilmanic
Legal Owner(s): Herbert V. Sauter and Elinor M. Balm

Special Exception for a Class B Office Building.

Variance to permit an additional free-standing sign 40 square feet per face in lieu of 15 square feet per side adjacent to a residentially used frontage; to permit a Class B Office Building to have 100% medical offices; and to permit 23 off-street parking spaces in lieu of 32 spaces.

HEARING: WEDNESDAY, JANUARY 8, 1997 at 9:00 a.m. in Room 106, County Office Building..

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 13, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-224-XA (Item 224)
2500 Rolling Road
SWC Rolling Road and Tudsbury Road
1st Election District - 1st Councilmanic
Legal Owner(s): Herbert V. Sauter and Elinor M. Baim

Special Exception for a Class B Office Building.

Variance to permit an additional free-standing sign 40 square feet per face in lieu of 15 square feet per side adjacent to a residentially used frontage; to permit a Class B Office Building to have 100% medical offices; and to permit 23 off-street parking spaces in lieu of 32 spaces.

HEARING: WEDNESDAY, JANUARY 8, 1997 at 9:00 a.m. in Room 106, County Office Building..

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Herbert V. Sauter and Elinor M. Baim
James S. Patton, P.E.
Howard L. Alderman, Jr., Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 23, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

NOTED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 2, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-224-XA

IN THE MATTER OF: HERBERT V. SAUTER AND ELINOR M.
BAIM - Petitioners SW/cor Rolling Road and
Tudsbury Road (2500 Rolling Road) 1st E; 1st C

(Petitions for Special Exception and Variance
GRANTED with restrictions.)

ASSIGNED FOR: WEDNESDAY, JULY 30, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellant : People's Counsel for Baltimore County

Counsel for Petitioners : Howard L. Alderman, Jr., Esquire
Petitioners : Herbert V. Sauter and Elinor M. Baim

James S. Patton /Patton Consultants Ltd.

Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 26, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-224-XA
2500 Rolling Road
SWC Rolling Road and Tudsbury Road
1st Election District - 1st Councilmanic District
Legal Owner: Herbert V. Sauter & Elinor M. Baim

Special Exception for a Class "B" office building. Variance to permit an additional free-standing sign 40 square feet per face in lieu of 15 square feet per side adjacent to a residentially used frontage; to permit a Class "B" office building to have 100% medical offices; and to permit 23 off-street parking spaces in lieu of 32 spaces.

HEARING: Thursday, February 26, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". Below the signature, the letters "scj" are written in a smaller, cursive script.

Arnold Jablon
Director

c: Howard L. Alderman, Jr., Esquire
James S. Patton, P.E.
Herbert Sauter & Elinor Baim
People's Counsel

- NOTES (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS
OFFICE AT 410-887-3391.

MICROFILMED



Case No. 97-224-XA

HERBERT V. SAUTER AND ELINOR M. BAIM - Petitioner

SW corner Rolling Road and Tudsbury Road
(2500 Rolling Road)

1st Election District

appealed: 2/24/97

(see attached copy of
vicinity map)

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 6, 1997

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Room 113
Towson, MD 21204

RE: Item No.: 224
Case No.: 97-224-XA
Petitioner: Herbert Sauter, et al

Dear Mr. Alderman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 19, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



B A I T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: December 26, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 224

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: Dec. 23, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for December 23, 1996
 Item No. 224

The Development Plans Review Division has reviewed the subject zoning item. It has to be noted that no access off Rolling Road will be permitted at the development process stage. It appears that four more parking spaces can be added to reduce the request for parking.

As required by the Baltimore County Landscape Manual. The required buffer setback and parking lot landscape space have been provided. This office recommends that a Concept Landscape Plan be prepared for the Special Exception Hearing. A Concept Landscape Plan is required at the concept plan stage of the development review process.

RWB:HJO:jrb

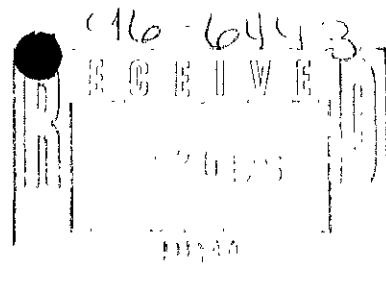
cc: File

ZONE42A

MICROFILMED

12/20/96
8

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/18/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HERBERT V. SAUTER & ELINOR M. BAIM

Location: SWC ROLLING RD. AND TUDSBURY RD. (2500 ROLLING RD.)

Item No.: 224

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

APPROVED

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 12.16.96
Item No. 224 (CAM)

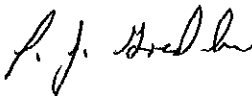
Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECEIVED

✓ Attach original petition

Due Date 12-23-96

To: Arnold L. Jablon

From: J. Lawrence Pilson

Subject: Zoning Item # 2221

Banker 2500 Rolling P.D.

Zoning Advisory Committee Meeting of 12-16-16

✓ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

— The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. On the left side, there is a vertical margin line, creating a narrow left margin. The paper appears to be from a notebook or a standard ruled document. There is no handwriting or printed text on the page.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: December 3, 1996

TO: Hearing Officer

FROM: W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review, PDM

wcr

SUBJECT: Item #224
2500 Rolling Road

This item was originally filed on November 19, 1996 with Catherine Milton. After the petition was initially taken it, it was discovered that the variance petition and plats were incorrect as filed. After several revisions to the petition and plat, it was finally accepted for filing on December 3, 1996.

scj

RECEIVED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 10, 1996

Howard L. Alderman, Jr., Esquire
Levin and Gann
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Revised Petition (Item #224)
2500 Rolling Road

Dear Mr. Alderman:

The above referenced petition was revised by you on December 3, 1996. As this revision occurred after the initial filing appointment on November 19, 1996, the "Zoning Notice" form you received from Catherine Milton is incorrect. Enclosed, you will find a copy of the "Zoning Notice" form with the corrected wording, as indicated on the revised petition forms.

The sign must contain the wording indicated on the revised "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens. If this property has been posted, it must be reposted using the corrected wording indicated on the form enclosed.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

MRO:JEL:END





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 24, 1997

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - 2500 Rolling Road,
SWC Rolling Road and Tudsbury Road,
1st Election District, 1st Councilmanic
H.V. SAUTER AND E.M. BAIM, Petitioners
Case No. 97-224-XA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated February 4, 1997 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

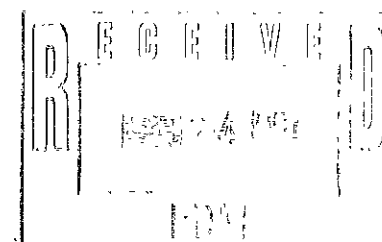
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Howard L. Alderman, Jr., Esq.
Attorney for Petitioners



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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 3, 1997

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Petitions for Special
Exception and Variance
SW corner Rolling Road
and Tudsbury Road
(2500 Rolling Road)
1st Election District
1st Councilmanic District
Herbert V. Sauter and
Elinor M. Baim - Petitioner
Case No. 97-224-XA

Dear Mr. Alderman:

Please be advised that an appeal of the above-referenced case was filed in this office on February 24, 1997 by Peter Max Zimmerman and Carole S. Demilio on behalf of the People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

MICROFILMED



APPEAL

Petitions for Special Exception and Variance
SW corner Rolling Road and Tudsbury Road
(2500 Rolling Road)
1st Election District - 1st Councilmanic District
Herbert V. Sauter and Elinor M. Baim - Petitioner
Case No. 97-224-XA

Petitions for Special Exception and Variance

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheets

Petitioners' Exhibit: 1 - Plan to Accompany Petition for Special
Exception

Deputy Zoning Commissioner's Order dated February 4, 1997 (Granted)

Notice of Appeal received on February 24, 1997 from Peter Max
Zimmerman and Carole S. Demilio on behalf of People's Counsel of
Baltimore County

c: Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake
Avenue, Suite 113, Towson, MD 21204
Mr. Herbert V. Sauter & Ms. Elinor M. Baim, 3505 Jean Drive,
Baltimore, MD 21244
Mr. James S. Patton, 305 W. Chesapeake Avenue, Suite 118, Towson,
Maryland 21204
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

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Case No. 97-224-XA

SE -for a Class B office building; VAR -additional free-standing sign; 100% of total adjusted gross floor area occupied by med offices; 23 off-street parking spaces ilo 32 spaces.

2/04/97 -Deputy Zoning Commissioner's Order in which Petitions for Special Exception and Variances GRANTED with restrictions.

6/02/97 -Notice of Assignment for hearing scheduled for Wednesday, July 30, 1996 at 10:00 a.m. sent to following:

People's Counsel for Baltimore County

Howard L. Alderman, Jr., Esquire

Herbert V. Sauter and Elinor M. Baim

James S. Patton /Patton Consultants Ltd.

Pat Keller

Lawrence E. Schmidt

Arnold Jablon, Director /PDM

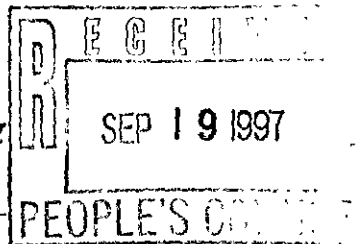
Virginia W. Barnhart, Co Atty

7/17/97 -Request for Remand and proposed order filed by Howard L. Alderman, Jr., Esquire, counsel for Petitioners. No objection to said remand by the Office of People's Counsel, Appellant. To be addressed at hearing on 7/30/97 on the record.

7/30/97 -Board convened for hearing on the record; Request for Remand GRANTED; matter to be remanded to Zoning Commissioner. (L.M.B.)

People's Counsel
PMZ
CSO

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY



MINUTES OF DELIBERATION

IN THE MATTER OF: Herbert V. Sauter and Elinor M. Baim -
Petitioners Case No. 97-224-XA

DATE : July 30, 1997 @ conclusion of hearing

BOARD /PANEL : Lawrence M. Stahl, Acting Chairman (CLM)
Thomas P. Melvin (TPM)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
Administrator

The Board convened for public deliberation of the subject matter at the conclusion of the hearing on motion to remand filed by People's Counsel for Baltimore County. Those present included Howard L. Alderman, Jr., Esquire, Counsel for Petitioners; and Peter Max Zimmerman, People's Counsel for Baltimore County.

LMS: This is the remand discussion /deliberation among the panel in Case No. 97-224-XA. A Motion has been made and agreed to by both parties to remand for the reasons as set forth on the record.

Speaking as for myself, I think it's totally appropriate. As set forth on the record by People's Counsel, 25% is fundamental to their view of this, and that to have it probably was in the best interests of all, including project developers, to take this step and go back before the Zoning Commissioner to see if it can be resolved, so it does not appear before us again.

But I think it is the appropriate thing to do, and I would vote to order remand.

HEB: I am in complete agreement with our Chairman in this matter.

TPM: I also agree and agree to remand.

LMS: Having openly deliberated this matter, a written Order will be issued by Board shortly.

Thank you gentlemen.

* * * * *

Respectfully submitted,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

MICROFILMED

5/23/00
wch
y File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 17, 2000
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

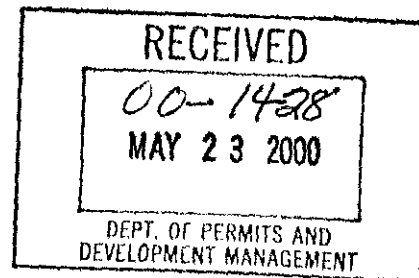
SUBJECT: Closed File:

97-224-XA /Herbert V. Sauter and Elinor M. Baim

Pursuant to our recent request for the current status of the above-captioned matter, we received a copy of the Order on Remand issued 3/28/98 by the Deputy Zoning Commissioner. Since this matter was completed in 1998, we are hereby noting our records and closing the Board's file.

Note: No attachment -- original file remanded and sent to PDM on Aug. 12, 1997.

MICROFILMED



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Herb J. Sauter

HERBERT V. SAUTER

Jim Patton

Howard L. Alderman Jr Esq

3505 Jean Drive 21244

3505 JEAN DR BALTO 21244

305 W. CHEESAPEAKE AVE SUMMIT, 21204

305 W Chesapeake Ave #113/2.1204



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Jim PATTON

305 W. CHESTNUT AVE (206) TOWSON MD 21204

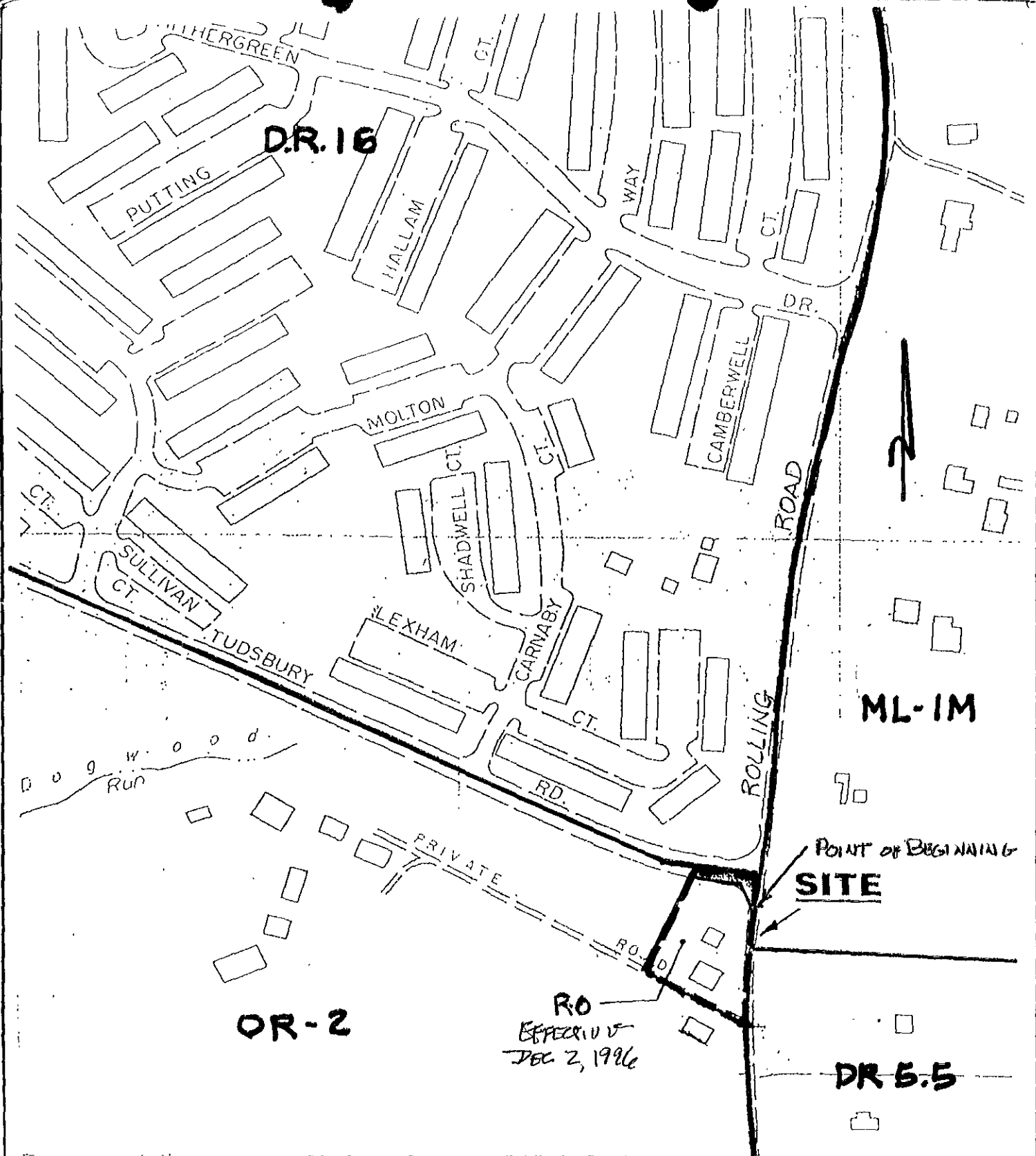
HERBERT V. SAUTER

3505 JEAN DR BALTO MD 21244

Howard L. Alderman Jr Esq

305 W. Chesapeake Ave #113 Towson MD 21204





PATTON Patton Consultants Ltd. Engineering & Site Planning 303 West Chesapeake Avenue, Suite 118 Towson, Maryland 21204 410-296-2140 Fax 410-296-0419	SCALE 1" = 200'	LOCATION BELMONT AREA	SHEET NW 3-G
	DATE OF PHOTOGRAPHY JANUARY 1996	DRAWN CHECKED DATE	SCALE 1" = 200'

2500 N. Rolling Road

MICROFILMED

224

